

Page 101

1 came from a specific customer?

2 **A. If a customer complained, it would go**
3 **to customer service. If a customer complained to**
4 **state PUC or BBB or any agency, then it would**
5 **come to me. These are complaints where we're**
6 **actually responding to the state Government, not**
7 **to the customer themselves.**

8 **Q. And by "BBB," you meant Better**
9 **Business Bureau?**

10 **A. Yes.**

11 **Q. And so what's involved here in 01072**
12 **is -- basically concerns the situation when a**
13 **complaint comes from the state PUC?**

14 **A. Yes.**

15 **Q. So in the first instance, if you have**
16 **a valid -- what you believe to be a valid**
17 **verification tape, you would send that back to**
18 **the state PUC. And your initial position was**
19 **that, you know, we got this customer fair and**
20 **square. And that we should be allowed to**
21 **continue to bill this customer.**

Page 102

1 **A. That's correct.**

2 **Q. Until the customer affirmatively**
3 **changes service.**

4 **A. Yes. Or, you know, it really was**
5 **dependent upon the Government agency that we were**
6 **dealing with. The PUC would call us back and**
7 **say, "That tape is no good," for whatever reason.**
8 **We would issue a refund. But our stance was**
9 **strong that it was a legitimate sale.**

10 **Q. Then there appears to be a different**
11 **query that's also dated September 25, 2001. Bate**
12 **Stamp 01073.**

13 **A. This is just him asking if we separate**
14 **slamming and cramming complaints. And we did not**
15 **at the time.**

16 **Q. What did you understand the difference**
17 **to be between the two, slamming and cramming?**

18 **A. Slamming was taking somebody's service**
19 **without their permission. Cramming was taking**
20 **their service product and then adding fees on.**

21 **Q. What your response to Keanan is, is**

Page 103

1 that the majority of the complaints concerned
2 slamming?

3 **A. Yes.**

4 **Q. So cramming was not an issue most of**
5 **the time?**

6 **A. Very few were cramming complaints.**
7 **And they were really not so much specified by the**
8 **PUC when we would get them. They would say, "We**
9 **have a complaint." Just by reading the letter,**
10 **the assumption was that it was a slam.**

11 **Q. You could figure out what the problem**
12 **was just from reading the letter from the state**
13 **PUC?**

14 **A. Uh-huh.**

15 **Q. That was a yes, right?**

16 **A. Yes. Correct.**

17 **Q. I know what you mean --**

18 **A. I know.**

19 **Q. So as of September 25, 2001, slamming**
20 **complaints were not -- slamming and cramming were**
21 **not distinguished?**

Page 104

1 **A. Not statistically distinguished.**
2 **Meaning, I kept a log of the number of complaints**
3 **that we received and we handled. They were not**
4 **broken down as slamming, cramming or anything**
5 **else.**

6 **Q. In terms of the log of complaints,**
7 **were you the only person who would be aware of**
8 **what was in that log?**

9 **A. Typically, it would be generated by**
10 **someone working for me, given to me and then**
11 **submitted to either executive council or to**
12 **Kurtis. That was done weekly.**

13 **Q. Weekly?**

14 **A. Yes.**

15 **Q. So in a typical week, a report would**
16 **be generated that would reflect how many**
17 **complaints had been received from state PUCs.**

18 **And that information would be first sent to you.**
19 **And then you, in turn, would forward that**
20 **information on?**

21 **A. Yes.**

Page 105

1 Q. And the people that you forwarded on
2 to, the first instance would be the executive
3 council?

4 A. Dependent upon whether or not the
5 executive council was meeting. Typically, it
6 would go to that crew, yes.

7 Q. And if they weren't meeting?

8 A. It would go to just Kurtis. And
9 sometimes Keanan and Kurtis.

10 Q. And so the difference between you
11 forwarding the complaint on to the executive
12 council and forwarding it on to Kurtis and/or
13 Keanan really was just the difference in terms of
14 whether the other vice-presidents knew?

15 A. Correct. We would distribute our
16 statistics to everyone on the council. So when
17 it was discussed the next week, they were aware
18 of kind of what was going on in the area.

19 Q. What, if any, discussions resulted as
20 a consequence of a typical report about the
21 number of pending state PUC complaints?

Page 106

1 A. It might come up if there were too
2 many or too few or something like that. They
3 might ask where they were coming from. The
4 problem was, that might result in sales not
5 targeting that area. Or closer identification of
6 who was selling where. And we might record those
7 people for an extended period of time. It just
8 depends what the circumstances were.

9 Q. Can you think of any particular
10 examples, let's say the State of Mississippi, did
11 it come before?

12 A. I believe what we did when we started
13 to receive complaints was, we issued an order to
14 sales to stop selling there. And then as the
15 complaints evolved, we started looking at
16 specific persons to figure out who was doing
17 what. It just would depend on what was going on.

18 Q. Did there come a time when complaints
19 were coming in from the State of Vermont that
20 generated a report which, in turn, was brought to
21 the attention the executive council?

Page 107

1 A. There was a point after I spoke to
2 somebody at the state when I had volunteered to
3 stop selling there, that it was reported to them.
4 And I know it was sent to our sales manager to
5 discontinue selling in Vermont.

6 Q. The person that you dealt with that
7 you mentioned dealing with in Vermont was that
8 Sarah Hoffman?

9 A. The name sounds familiar.

10 Q. Was there more than one person that
11 you dealt with in the State of Vermont?

12 A. There was a gentleman also. I believe
13 I first spoke to the gentleman. It wasn't myself
14 who took the first calls. It was Amy Dixon. And
15 she initially discussed it with me. And I said,
16 "Well, if we're getting complaints there, we'll
17 stop selling there." And I sent a note to Mike
18 Norville, who was the sales manager, asking him
19 to discontinue selling in the state.

20 Q. Did he do that?

21 A. What he did is, he stopped

Page 108

1 producing -- he would produce leads on a sheet of
2 paper, they would print them out. They
3 weren't -- we didn't have like a screen at the
4 desk for the telemarketers. They would have
5 leads on paper. He stopped printing them. He
6 did not go through the floor and remove every
7 sheet from Vermont. So he stopped producing
8 leads. We had some more sales. And they
9 contacted me a second time. And that time, Mike
10 was not in. And I went to his assistant manager,
11 I guess she was, Kathy Olive (phonetic) and asked
12 her to go around the floor and pull every lead
13 sheet with Vermont on it. And that's what she
14 did at the time.

15 Q. I'll come back to that. Going back
16 again to September 25, 2001, I guess the
17 president is busy at this point sending
18 communications to you on that day. Bate Stamp
19 Numbers 01186.

20 A. This is concerning, I believe, Hanes &
21 Boone (phonetic) was the law firm that was

Page 109

1 working for Southwestern Bell. And that is a
2 letter basically telling them that we have not
3 used the name in any published form and were
4 working on changing it.

5 Q. The "name," being, U.S. Bell?

6 A. Yes. They wanted us to change the
7 name. It took us a while to actually get it
8 changed over.

9 Q. That change over was from U.S. Bell to
10 Buzz Telecom?

11 A. To Buzz Telecom, as far as the
12 company went. We did change it to Link
13 Technologies, but we never used that name.

14 Q. The name of U.S. Bell was formally
15 changed to Link Technologies, but never used?

16 A. Yes. By "formally," with the
17 secretary of state.

18 Q. The secretary of state of the State of
19 Nevada?

20 A. That's correct.

21 Q. But also Indiana as well?

Page 110

1 A. Uh-huh.

2 Q. That's a yes?

3 A. Yes.

4 Q. I'm going to show you a document that
5 bears a date September 26, 2001. Bate Stamp
6 01046. It appears to be related to the document
7 that I had previously shown you.

8 A. Yes. This was basically the response
9 he asked me to write and send out.

10 Q. So the letter dated September 26 to B.
11 David Fraser (phonetic) is basically as a
12 consequence of the order you received from Keanan
13 on September 25?

14 A. Correct.

15 Q. The next document I want to show you
16 is Bate Stamp 01081. And it reflects a date of
17 October 23, 2001.

18 A. I don't recall this note, but I think
19 what was happening at the time was --

20 Q. First of all, is this a document that
21 would have been directed to you?

Page 111

1 A. Yes.

2 Q. So you're the VPA?

3 A. Yes.

4 Q. And the president is Keanan?

5 A. Yes.

6 Q. Okay.

7 A. For a while, we were selling websites
8 as a company. What we sold was a product that --

9 we would call the customer and sell them the
10 design and the hosting. And I think we would

11 give them the design cheap or free. And host for
12 a year, would be the contract. And once we made
13 that sale, the plan was that division two --

14 which was marketing, which fell under my group of
15 people -- would call back and try to sell them

16 whatever products we had. Whether it was long
17 distance service, calling cards, whatever. And

18 if they were to hear any complaints about the
19 initial sale, I would report that. That happened

20 for a short period.

21 Q. The Mike that is referred to in the

Page 112

1 letter is whom?

2 A. Mike Norville, the sales manager.

3 Q. And the "Josh" is whom?

4 A. Josh was the assistant sales manager.
5 And I don't remember his last name.

6 Q. Kathy is who?

7 A. Kathy Olive.

8 Q. The next document I'm going to show
9 you is dated November 29, 2001. Bate Stamp
10 Numbers 01221.

11 A. This is a request to me to get another
12 carrier in case we had trouble with our current
13 carrier, who was Quest. It was standard practice
14 for us to have two carriers just in case we had
15 any type of issue with one of them.

16 Q. When you were working at U.S. Bell and
17 then Buzz, were there any carriers other than
18 Quest that the company had?

19 A. We had Sprint before Quest. And then
20 I think that I had obtained another carrier right
21 before I left.

Page 113

1 Q. Was it Global Crossing?
2 A. That may be. I contacted every
3 carrier in the book. I remember Global Crossing,
4 that may be.
5 Q. You're not positive of that?
6 A. I'm not positive of that.
7 Q. Before Quest, you had Sprint?
8 A. Yes.
9 Q. Roughly what period of time?
10 A. Probably had Quest for about a year
11 and a half before I left. And Sprint before
12 that.
13 Q. We've seen a contract between U.S.
14 Bell and Quest, a written contract.
15 A. I don't know that there was a contract
16 between U.S. Bell and Sprint. That may have
17 been Business Options. I don't think that I did
18 that deal, so I don't really recall.
19 Q. We have a document, Bate Stamp 00756.
20 And it's from VP operations dated Friday,
21 February 22, 2002. Could you tell me what this

Page 114

1 is all about.
2 A. This is when we had A&M Verifications,
3 which was Anthony Lowe and Mike Norville, who
4 was, at that time, the vice-president of sales,
5 had an ego problem with Anthony Lowe. And they
6 had personal issues. And he was expressing his
7 authority by walking in and out of the door of
8 the verifications company.
9 Q. That was supposed to be some kind of
10 signal?
11 A. Some kind of personal knock against
12 Tony because he could walk in and out of his
13 door.
14 Q. As opposed to walking in and out of
15 what?
16 A. The normal door that he would walk in
17 and out of. As a policy, no salesperson was
18 allowed beyond the door of the verifications
19 room.
20 Q. Because?
21 A. Just to keep them separate so they

Page 115

1 weren't in there chatting or what have you. We
2 had a slot that you would drop your sale through
3 and it would go to the verifications person. And
4 then a slot to drop it back. And by doing that,
5 we were trying to keep them completely separate.
6 Q. This is the notion of maintaining the
7 independence of the third-party verifier?
8 A. Yes. And Mike, obviously being the
9 guy who was in charge of sales, we didn't want
10 him in that room.
11 Q. Because that would raise a question of
12 some kind about the independence of the verifier?
13 A. That also. But a question of, is he
14 going in there saying, "Hey, I need you to get
15 this sale." We just didn't want him in there.
16 And this was a personal thing between those two
17 people.
18 Q. And this was a document that --
19 00756 -- that you generated?
20 A. No.
21 Q. Who is the VP operations?

Page 116

1 A. Which was Keanan, I believe.
2 Q. Do you recognize the handwriting that
3 appears underneath --
4 A. The handwriting underneath is mine.
5 And it's "Why." And I sent it to Mike to find
6 out why he had done it.
7 Q. Essentially, this piece of paper is
8 somehow coming to you. And you, in turn, are
9 doing something about it?
10 A. It's coming to me because I am the
11 director of I&R. And I investigate why it went
12 on. And I report to the person who wrote it.
13 And to my boss as to what's going on with this
14 guy.
15 Q. At what point did you become the
16 director of I&R?
17 A. The entire time I was vice-president
18 of administration, I was director of I&R. It was
19 just a post that was beneath me.
20 Q. It was tied in in some fashion to
21 administration?

Page 117

Page 119

1 A. Yes. It was in the division where
2 personnel was. It was part of that division.

3 Q. So you happened to have more than one
4 job responsibility?

5 A. I had about 80 job titles while I was
6 there. So I kept pretty busy.

7 Q. Okay. So the "to" means it came to
8 you. The "from VP operations," who was that?

9 A. That job was bounced around a little
10 bit. And I believe at that time, Keanan was
11 holding that position.

12 Q. And cc's, the COB would be?

13 A. Kurtis.

14 Q. The president would be?

15 A. Again, Keanan.

16 Q. And the VPX?

17 A. Mike.

18 Q. And "X" represents what?

19 A. Expansion.

20 Q. That's a fancy way of saying sales?

21 A. Uh-huh, yes.

1 division one and show it to him, something like
2 that. Or it might be me just going over and
3 yelling at him. I had a lot of sit downs with
4 Mike Norville.

5 Q. And in terms of the cc's on this one,
6 the VPX means that a copy of this went to Mike
7 Norville as well?

8 A. Uh-huh. The policy on any report that
9 was written is, you would also cc the person it
10 was written on. And then cc anyone else who is
11 directly associated. So in this case, the VPX,
12 Mike, and then the director of personnel is the
13 person who he went around to hire this person.

14 Q. And according to this document --

15 A. Margaret --

16 Q. -- that person at that time was
17 Margaret Robertson?

18 A. That's correct.

19 Q. So this is a matter that would not
20 necessarily come to the attention of either
21 Kurtis or Keanan?

Page 118

Page 120

1 Q. Moving ahead a couple of weeks. The
2 next document I want to show you is 00755, dated
3 March 5, 2002.

4 A. Again, the same situation, just a
5 different context. Mike was -- felt that he had
6 authority, since he was an executive. He would
7 just hire and fire whoever he wanted. But
8 company policy was that no person was hired or
9 fired unless they went through division one,
10 which was personnel. So Kelly, being the manager
11 of that area, is writing a note to me to say,
12 "Why is this guy doing this?" And it was my job
13 to go in and find out. And if he required some
14 training or discipline or what have you, it was
15 my job to do so.

16 Q. The training for matters such as what
17 is described in this document could be nothing
18 more than saying "You're not supposed to be
19 hiring people"?

20 A. Or maybe get out the book that says
21 that all hiring and firing are done through

1 A. No. Not necessarily.

2 Q. Okay.

3 A. It just depended upon the situation.
4 If it were something that could be handled
5 easily, then it was. If it was something that
6 you felt would effect the entire company, then
7 you would cc the, you know, the CEO or whomever.

8 Q. Did there come a time when a more
9 serious situation developed with respect to Mike
10 Norville?

11 A. Yes. He was involved in a situation
12 with the EEOC.

13 Q. What was the end result of that
14 situation?

15 A. He was suspended indefinitely and sent
16 for some training. And then slowly brought back
17 into the company.

18 Q. In terms of the suspension, was that
19 an act that you had to undertake?

20 A. No. It was actually something Kurtis
21 did.

Page 121

1 Q. And in terms of Mr. Norville coming
2 back, was that something that you had a hand in?
3 A. No. When the situation came to light,
4 we had some complaints written about Mike
5 Norville. Kurtis and I had a meeting about it,
6 we discussed it. And my recommendation was that
7 he be dismissed immediately. Kurtis agreed with
8 me. That was a Friday. And over the weekend,
9 Kurtis came into the office and called Mike and
10 discussed it with him and suspended him. And
11 when I came in Monday -- well, Mike didn't show
12 up. I was going to fire him. And a few days
13 later, because Kurtis was on vacation, he sent me
14 the information that he had suspended Mike
15 indefinitely. And he was going to handle the
16 situation from there.

17 Q. I believe this is related to that.
18 It's a document dated 3-11-02. Bate Stamp
19 Numbers 00759. If you could sort of translate
20 for me what that is.

21 A. Conditions are --

Page 122

1 Q. First of all, is it directed to you?
2 A. Directed to me from Kurtis. And it
3 says, "Please take over working with VPX on
4 conditions. He is on step number seven of
5 doubt." Condition is -- again, this is L. Ron
6 Hubbard technology. Condition is your state of
7 being, I guess, would be a way to describe it.
8 And there are conditions that you go through to
9 get to where you're normal. And what is supposed
10 to be occurring when you're normal is that your
11 statistic for the company should be steadily
12 going up.

13 So Kurtis had been working with Mike
14 for a few weeks. I'm not exactly sure what
15 kicked off the fact that he was working with him.
16 But Kurt wanted me to take over working with Mike
17 to get him through doubt. And there are like
18 five conditions below normal, and get him back up
19 to normal. And this occurred, if I am right,
20 within the same week or two of Mike's actual
21 suspension.

Page 123

1 So Kurtis was doing it. Then I was
2 put on it, then I was taken back off of that.
3 But things kept coming to light that were new.
4 So I don't remember what sparked this.
5 Basically, what I would do is, he and I would sit
6 down and read through the steps of the condition.
7 And then he would do whatever it was that was
8 required, turn it in to me. I'd approve it or
9 not approve it. He might do it again and turn it
10 in again to me until I said it was okay, move on
11 to the next step. And that was part of my job as
12 director of I&R.

13 Q. And this activity took place during
14 the period of Mike's suspension?

15 A. No. This was before he was suspended.
16 After his date of suspension, I was completely
17 removed from dealing with Mike.

18 Q. This appears do be related to what
19 we've been just talking about. It's dated
20 3-13-02, 00764.

21 A. This -- when we initially got some

Page 124

1 information that people were -- they had
2 complaints against Mike before anything had been
3 written, before we had anything in our hand.
4 When we initially got the complaint, I believe it
5 was on a Monday, I called him into my office and
6 I suspended him. I told him "You are suspended
7 until further notice. We'll see what happens."
8 He asked me if he was getting fired. I said "I
9 don't know because I don't know all the details."
10 Then I gave him this. This is what Kurtis and I
11 had discussed beforehand.

12 Q. "This," meaning 00764?

13 A. Yes. This document. And he went
14 home. And over the course of the next few days,
15 Kurtis met with the employees involved and got
16 written reports so we had an idea of exactly what
17 had occurred. And it was after this period that
18 he sat down with Kurtis and they had a
19 discussion. And then Kurtis suspended him
20 indefinitely. So this was building up to that.

21 Q. This is a document dated March 18,

Page 125

1 2002, 00751. I'd ask you to look this over and
2 then we can talk about it.

3 (Witness Reviewing Document.)

4 Q. So with respect to Mike Norville,
5 what's happening here is that he has been
6 suspended indefinitely for at least 30 days. And
7 upon conclusion, he may submit a request to
8 return to the company. He's also removed as
9 vice-president of expansion. What happened with
10 Mr. Norville subsequent to March 18, 2002?

11 A. He was away from the company for -- I
12 don't remember the exact period of time, a month,
13 two months, something like that. During that
14 time, he was taking training and counseling. He
15 came back and worked at a satellite company for a
16 period of time. And then he was eventually
17 brought back in as vice-president of expansion.

18 Q. Roughly, when did he come back?

19 A. Three months out, four months out, I
20 don't remember exactly.

21 Q. Was he still vice-president of

Page 126

1 expansion when you left Buzz Telecom?

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes.

5 Q. What's happening with you?

6 A. Well, this was presented to me as -- I
7 was called into Kurt's office. And he told me
8 what he really needs me to be handling all of the
9 legal stuff, not just for U.S. Bell or Buzz
10 Telecom, but for all the companies, all the
11 entities that he had. And he was going to be
12 placing me at Avatar as an employee there. And I
13 got that note the next day that I was removed
14 from my post. So it was presented to me in one
15 way and presented to the rest of the company in a
16 different way. But basically what happened was,
17 my job changed from vice-president of
18 administration to the legal guy. And all I did
19 from that day forward was handle regulatory,
20 legal, taxes, stuff like that for the rest of my
21 period.

Page 127

1 Q. And those were things you were
2 handling beforehand anyway?

3 A. Yes.

4 Q. As a result of this March 18, document
5 did your compensation change in any way?

6 A. No.

7 Q. So it would remain the same
8 notwithstanding what's noted in this document?

9 A. Correct. What I started to do was
10 handle tax reviews and things like that, that I
11 hadn't handled before. And I handled things for
12 all of the companies instead of just Buzz Telecom
13 and occasionally something else. And basically,
14 I was no longer in charge of HR and marketing.

15 Q. In other words, not being
16 vice-president of administration anymore, you
17 didn't have to deal with personnel and marketing?

18 A. Correct.

19 Q. The document claims that you were
20 warned for holding a post and not performing its
21 duties. What does that mean in English?

Page 128

1 A. What I think he's trying to say there
2 is that part of what occurred with Mike was my
3 responsibility because I didn't stop him from
4 doing it. I didn't stop him from harassing.

5 Q. Were you, in fact, warned by anyone?

6 A. No. They had asked me to take some
7 courses on ethics and I had not taken them. I
8 would consider that my warning.

9 Q. That related back to the employment
10 contract that we had looked at?

11 A. Yes.

12 Q. And that you were supposed to do some
13 kind of training?

14 A. This was actually a course that I
15 could have taken in Chicago. And it was about a
16 six month part-time course. I would have been
17 gone one or two days a week, but I didn't feel
18 like I had the time to do so. So I didn't.

19 Q. So that was something that got
20 somebody else upset?

21 A. Yes.

Page 129

1 Q. Who was the somebody else?
2 A. Kurtis.
3 Q. Was anybody else upset about that?
4 A. I'm sure Keanan was also.
5 Q. I don't understand. What's the big
6 deal in not going to this course?
7 A. They feel that those courses have a
8 great deal of benefit to your position and to
9 what you're doing for the company. I was in
10 disagreement with that.
11 Q. Was this something that you and Kurtis
12 talked about?
13 A. Not really. He just asked me if I
14 would go. And I said I'd try to work on it when
15 I could do it. The time just never came when I
16 did.
17 Q. And so you understood your not going
18 to a course to be related to your removal as
19 vice-president of administration?
20 A. I was in disagreement with it, but
21 there wasn't much -- I wasn't really consulted,

Page 130

1 it just was done.
2 Q. And so this wasn't something that you
3 had a chance to discuss afterwards?
4 A. No. Like I said, it wasn't presented
5 to me like that. It was presented to me as -- I
6 really -- Kurtis told me that he did not want to
7 handle any of the legal stuff. He just didn't
8 have time to deal with it. And he wanted me to
9 deal with it all. And then I could consult with
10 him on big stuff and deal with the small stuff
11 myself. That came out the next day.
12 Q. So this was a surprise to you?
13 A. Yes. The language in it was a
14 surprise. I knew that I had changed positions,
15 but that was not presented to me in that way.
16 Q. Did this cause you some anger?
17 A. I wasn't surprised by it. It
18 contributed to me not being there anymore.
19 Q. You mean ultimately?
20 A. Yes.
21 Q. I'm going to show you a document

Page 131

1 that's dated March 19. So it's one day after the
2 document that we had just been talking about.
3 And it's Bate Stamp Numbers 00746. Who prepared
4 this document?
5 A. I did.
6 Q. And it's directed to the senior ethics
7 officer. Who is that?
8 A. Kurtis.
9 Q. Kurtis is the senior, okay. And then
10 there is sort of a heading. It says, "KR" and
11 then "Keanan Kintzel" and then it has your name.
12 A. KR is knowledge report. And knowledge
13 report is written about anything in the company
14 that you see that is not right and you think
15 should be corrected. I was asked to write that
16 because this issue with sexual harassment. This
17 young lady Tiffany Simms had written a report.
18 It was done after she was dismissed. She sat
19 down and wrote it. And it was severe criticism
20 of Mike Norville. And that's -- we had received
21 those types of reports many times in the past.

Page 132

1 And I had brought them up with no solution. I
2 read the report.
3 Somewhere in the first paragraph was
4 an accusation that Mike had asked Tiffany out on
5 a date or something. And I just didn't believe
6 it. Some of the other things in the report
7 looked legitimate, but I -- my personal feeling
8 was there was not going to be any action taken.
9 So I would put it in her file. And if anyone
10 ever wanted to see it, they could take a look at
11 it.
12 Q. You said you were asked to write this?
13 A. I was asked by Keanan to write it
14 because he wanted me to basically put it in my
15 own file that I had some responsibility for what
16 had happened. That the report had been given to
17 me and I didn't take action with it. I added,
18 you know, the facts about Keanan also being aware
19 of that kind of thing happening because that's
20 where I felt the responsibility lied with both of
21 us.

Page 133

Page 135

1 Q. So in some respects, you thought you
2 were getting sandbagged here by Keanan?
3 A. Absolutely.
4 MR. HAWA: What's the Bate Stamp?
5 MR. SHOOK: 00746.
6 BY MR. SHOOK:
7 Q. Advancing one day. This is Bate Stamp
8 01153. And it relates to a completely different
9 matter all together.

10 (Witness Reviewing Document.)

11 (A short break was taken.)

12 Q. The document that I showed you is
13 01153. It's to COB, president, division four
14 manager. Who are those people?

15 A. COB is Kurtis, president is Keanan,
16 division four manager would have been Shalanda
17 Robinson. And it's from Elizabeth.

18 Q. What is Elizabeth telling these
19 people?

20 A. Telling them that we had a conference
21 call with Andrea Salinas (phonetic), who was our

1 taking place.

2 Q. How would that information work its
3 way up the line in terms of a -- let's say a
4 telemarketer did something that he or she wasn't
5 supposed to do. Could you describe the process
6 of what happened after that.

7 A. A report would be written to the
8 director of I&R. And that person would call the
9 individual and either recommend that they get
10 retrained on the script, which we had a trainer
11 there to do that. Or recommend disciplinary
12 action, suspension, firing, whatever. And that
13 report would then be sent to the person who was
14 senior over sales, which that person at that
15 time -- I believe that's after Mike was out of
16 the office. So it would have been Kathy Olive.

17 Q. The process that you described -- did
18 that vary in any significant way while you were
19 director of I&R?

20 A. It would depend on who was there, who
21 was staffed, whether or not we had a full-time

Page 134

Page 136

1 representative at USBI, who was our billing
2 clearinghouse.

3 Q. "We" means you and she?

4 A. She and I, yes. They had some
5 concerns about increased call traffic on
6 complaints. What we assumed it was, was we had
7 just started a night crew, and we assumed they
8 were getting complaints because they were not
9 being properly supervised.

10 Q. This was in March of 2002. At this
11 point, what kind of monitoring was taking place
12 with respect to telemarketers?

13 A. At this point, we're monitoring every
14 telemarketer for an hour or two each week.

15 Q. The tape system is in place?

16 A. Yes. I'm not sure who was doing it at
17 night. We had a lot of initial problems getting
18 supervision at night. We had a couple
19 supervisors that were hired that just were not
20 very good. And I have no idea who was listening
21 to those tapes and what kind of discipline was

1 trainer on staff, they could train people.

2 Whether or not we had a quality control person
3 who would go in and monitor the tapes. It really
4 was dependent upon who was staffed and what post.
5 And what person was in that post, how much they
6 knew. There's a chance that they would tape them
7 and nobody would even listen to the tapes.

8 Q. And if I remember from earlier
9 testimony, did you retain director of I&R up to
10 the point in time when you left company's employ?

11 A. No.

12 Q. I'm misremembering then. What
13 happened there?

14 A. I was only in charge of the legal
15 stuff. Director of I&R fell under division one,
16 which was personnel issues.

17 Q. So in March of 2002, who would that
18 have been?

19 A. That would have been either Kelly
20 Adwell or Kurtis Kintzel. Kurtis moved in my
21 position until he hired a new person in charge of

Page 137

Page 139

1 administration.

2 Q. Who was that?

3 A. I believe the replacement was Gene
4 Chill.

5 Q. And about when did that take place?

6 A. I think that was a couple months. I
7 think that had to be in May or June.

8 Q. Of 2002?

9 A. Yes.

10 Q. So there was a period of time when
11 Kurtis was holding the responsibilities of the
12 director of I&R?

13 A. Yes. Kurtis held it from -- Kelly
14 did, I'm sure, 99 percent of the work. And if
15 she thought something was big enough, she might
16 take it to Kurtis. I'm sure Kelly was doing all
17 the work.

18 Q. So would I be correct in understanding
19 that the way this dispatch is drafted in terms of
20 who it was supposed to go to, that Kurtis would
21 have received a copy of this?

Page 138

1 A. Correct.

2 Q. Meaning, 01153?

3 A. That's correct.

4 Q. The next document is dated April 3,
5 2002. So it's about two weeks later now. And
6 this is Bate Stamp 02230. It first of all, is
7 the "Bill" you?

8 A. Yes. I think my title changed to
9 corporate affairs officer.

10 Q. That's why it shows CA?

11 A. Yes.

12 Q. And VP Ops. is Elizabeth Ontiveros
13 Rosas?

14 A. Yes.

15 Q. And so "Dear Liz," that's her?

16 A. That's correct.

17 MR. HAWA: Was that before or after in
18 the chronology?

19 MR. SHOOK: We're now into April of
20 2002. So that's two weeks after the document
21 that we had just talked about before.

1 MR. HAWA: I must have misread the
2 number then. What's the number?

3 MR. SHOOK: Bate Stamp Numbers on the
4 one that I'm looking at right now and have given
5 to Mr. Brzycki is 02230.

6 THE WITNESS: It's a letter concerning
7 verification script. There was a sentence, I
8 think it was the last sentence on the script,
9 that gave the person an 800 number to call if
10 they wanted to cancel. And for some reason, it
11 was removed. And when I discovered that it was,
12 Liz, who was above our quality control, was our
13 liaison with whoever was doing verifications. So
14 I sent her a note to make sure it gets put back
15 in.

16 MR. HAWA: I think you have two copies
17 because one is not in here.

18 BY MR. SHOOK:

19 Q. The third sentence makes a statement
20 that it is a requirement. In terms of "it being
21 a requirement," what you're referring to is the

Page 140

1 inclusion in the verification script of the need
2 to have in the verification script that the
3 customer be informed of the toll free number?

4 A. Correct.

5 Q. And that they can call that number to
6 cancel service if they wish?

7 A. That's correct.

8 Q. There's a second part to the sentence
9 following "it is a requirement." And that is
10 "And actually, one of the reasons I think it is
11 okay to do blanket reprovision was when a person
12 has not cancelled." What is a blanket
13 reprovision?

14 A. As I understand it, when somebody had
15 fallen off after being on for, I think it was
16 seven days or less, they would reprovision them.
17 They would go in and take the phone number back
18 onto our service.

19 Q. And what was the justification for
20 doing that?

21 A. We would assume that when they were

Page 141

1 put on our service, their other carrier took them
2 back.

3 Q. That was an assumption as opposed to
4 actual knowledge that that had occurred?

5 A. It my case it was. It was presented
6 to me that way.

7 Q. Who, to your understanding, made the
8 decision that that was something that Business
9 Options could do?

10 A. That was something that was originally
11 presented by George Vasquez. And I remember that
12 we discussed it in the executive council, whether
13 or not we could do it. And the discussions went
14 back and forth about time lines.

15 I think that the conclusion we all
16 came to was that, if somebody had fallen off that
17 quickly, then there was a problem with either we
18 didn't provision them correctly or their previous
19 carrier had taken them back or what have you.
20 And we should reprovision them because we did not
21 want them to be without service because we would

Page 142

1 got get in a lot trouble for that. So that was
2 why that decision was made.

3 Q. Was it discussed that there was --
4 also a possible reason for that to have occurred,
5 and that is that the customer him or herself had
6 actually changed the service on his or her own?

7 A. I think we discussed that, but we came
8 to the conclusion that that probably wouldn't
9 happen that quickly. They hadn't received a bill
10 yet. And would you know? I wouldn't know if
11 somebody changed my service within seven days. I
12 wouldn't know until I received a bill.

13 Q. So to reprovisioning is supposed to
14 take place only if the fall off occurs during the
15 first seven days?

16 A. I think -- yes. Somewhere in that
17 time period was my understanding of it. I wasn't
18 doing the reprovisioning, so I don't know for
19 sure. But my understanding was that it was a
20 very quick process. Because once they receive
21 the bill, if they change their service, then they

Page 143

1 probably changed their service because our name
2 was on the their bill and they didn't want it.

3 Q. Would it surprise you to know that
4 that is, in fact, what happened sometimes?

5 A. No.

6 Q. That a person received a bill,
7 called -- not Business Options, but called his or
8 her own carrier and changed the long distance
9 service?

10 A. No. It wouldn't surprise me to hear
11 that.

12 Q. What justification could there be for
13 Business Options to reprovision at that point?

14 A. None. If the customer had cancelled,
15 there's no justification for it.

16 Q. Do you know whether or not it was ever
17 discussed in executive council meetings that such
18 reprovisioning was taking place? That is,
19 reprovisioning well after the seven-day period
20 that you talked about.

21 A. I don't recall. We discussed it

Page 144

1 several times.

2 Q. And in terms of the "we" --

3 A. Just the members of executive council,
4 Kurtis, Keanan, George, Kim Perfetti, myself.
5 Occasionally, Gary Carter would have been in on
6 those meetings, but that wasn't a regular -- but
7 we discussed the reprovisioning several times.
8 And it was my understanding that that was the
9 conclusion that we came to. Now, that may have
10 changed without it being discussed again. But
11 that was my understanding.

12 Q. The actual reprovisioning would have
13 been done by which group of people?

14 A. It would have been done by Liz. And
15 probably her people in division four, which was
16 run by Shalanda Robinson.

17 Q. The next sentence makes reference to
18 attaching a copy of the script that we got from
19 verifications today. And unfortunately, I don't
20 have that to show you. What was happening there,
21 if you can remember, in terms of why was there a

Page 145

1 new verification script?
2 A. If I remember this correctly, this
3 came up because we sent a verification to one of
4 the states. And they called back and said, "You
5 don't have this on there." And I requested a
6 copy of the script and got it. And that sentence
7 had just been deleted. "If you wish to cancel,
8 please call our toll free number." I just
9 attached that script to it and, you know, wrote
10 in "Here's where the sentence should be." And I
11 sent it over. I do remember that that was a
12 state Government who said, "This is not a
13 legitimate verification because you don't have
14 that sentence on there." So anyone that we had
15 sold there was not legitimate. I don't remember
16 if it was a Vermont case or one of those, but it
17 was a state Government issue.

18 Q. By this time, you had left South
19 Dakota, so it couldn't have been that, right?

20 A. It couldn't have been South Dakota.

21 Q. With the next sentence it asks, "Could

Page 146

1 you please have Angela get this back in." Who is
2 Angela?

3 A. I guess that Angela was the person who
4 was supervising the verifications.

5 Q. You don't remember who Angela was?

6 A. No.

7 Q. Unfortunately, we're going to drop
8 back to the Mike Norville situation a little bit.
9 This is Bate Stamp 00745 dated April 8, 2002. So
10 it's a couple of -- five days after the last one
11 we had just looked at. And if you could please
12 just take a look through this.

13 (Witness Reviewing Document.)

14 Q. The director of I&R at this point is
15 whom?

16 A. Kelly Adwell.

17 Q. That's who it's going to?

18 A. Yes.

19 Q. And the president is the person who
20 it's from?

21 A. That's correct.

Page 147

1 Q. And the president is Keanan?

2 A. Un-huh.

3 Q. That's a yes?

4 A. Yes.

5 Q. And in terms of the cc's, it has a
6 number of cc's. The first of which is I&R,
7 that's just a department or division or
8 something?

9 A. That's, again, the director of I&R --
10 every employee was assigned an ethics folder.
11 And anything written in any report or that type
12 of thing, I&R would receive a copy and put in the
13 folder. I assume that's why you cc'd them.
14 Typically that was not done.

15 Q. And COB would be Kurtis?

16 A. Kurtis.

17 Q. The VPO would be whom?

18 A. Elizabeth.

19 Q. CAO would be you?

20 A. Yes.

21 Q. Division one manager, who is that?

Page 148

1 A. Kelly Adwell.

2 Q. Who was the director of personnel?

3 A. Margaret Robertson.

4 Q. And the gist of this is that Keanan is
5 disagreeing with something that you had written?
6 A. Disagreeing with the previous report
7 we looked at that said that I had presented these
8 issues in the past.

9 Q. Plausible deny --

10 A. Poor memory or judgment or what have
11 you. Basically, it's him saying that he's not
12 responsible for it.

13 Q. The gist of this is essentially that
14 he's disagreeing with assertions that you had
15 made and the previous report that we had talked
16 about?

17 A. Correct.

18 Q. That you had brought certain matters
19 to his attention?

20 A. That's correct.

21 Q. He's saying, "I didn't know"?

Page 149

Page 151

1 A. Correct.
2 Q. And I take it that you would disagree
3 with what he's claiming here?
4 A. Yes.
5 Q. The next document I want to show you
6 is Bate Stamp 01159 dated April 29, 2002.
7 A. I think what happened was --
8 Q. First of all, the CAO, that means it's
9 directed to you?
10 A. Yes. Corporate affairs officer.
11 Q. From Keanan?
12 A. Yes.
13 Q. And he cc's Kurtis and the VPO?
14 A. Elizabeth.
15 Q. And then also looks like in
16 parenthesis division five verifications.
17 A. Yes. The verifications company
18 liaison would have fallen in our division five.
19 Q. And who would have been responsible
20 for that?
21 A. Elizabeth.

1 the verification script at the time apparently
2 made reference to Great Lakes?
3 A. Yes. The first sentence, I think, was
4 "This is so-and-so calling from Great Lakes
5 Verification or A&M Verification or whatever
6 company." And more than likely, there was also a
7 sales script out there that said, "Joe from Great
8 Lakes Verification is going to call you to verify
9 this order."
10 Q. And that was problematical because
11 Great Lakes was actually not, in fact, the
12 verifications company?
13 A. That's correct. They didn't exist.
14 Q. The situation -- this is April of
15 2002. Do you have any recollection as to how
16 long it had been the case that Great Lakes was
17 being referenced as the verification company?
18 A. I don't. I just reacted to the note.
19 Q. If you can, walk me through why it
20 would be a concern of yours that something that
21 was going on in the marketing area in terms of

Page 150

Page 152

1 Q. And this is a request or directive to
2 you to do what?
3 A. I think what happened was, after A&M
4 Verifications, which was Tony Lowe, left, the
5 verifications company that came in were given old
6 verification scripts that said "Great Lakes."
7 And they were using those. So he wanted me to
8 write them with the correct name on it. And then
9 give them to them. And also rewrite the sales
10 script to make sure that it was still in
11 compliance basically with our billing
12 clearinghouse. Because over time, those things
13 tended to change without anyone necessarily being
14 made aware of it. The manager would tweak the
15 sales script to make it more sales friendly
16 without asking myself or Kurtis or Keanan because
17 they knew that they would get a negative on it.
18 But their sales stats would go up. And that
19 happened. And typically, Keanan would ask me to
20 make the appropriate changes and redistribute.
21 Q. In terms of Great Lakes Verifications,

1 the reference to Great Lakes would be your
2 responsibility.
3 A. It wouldn't have been. But I had all
4 of the verifications and sales scripts on my
5 computer because I had written them to
6 accommodate the billing clearinghouses. And
7 those were kind of the approved scripts that we
8 were to use. So other people had other scripts
9 that were not approved. So they would come to me
10 and ask me to write them. And then what I would
11 do is write it and fax to Andrea Salinas or
12 whomever. Get her approval. Bring it back and
13 say "This is what to use." So I would take that
14 step. I would contact the clearinghouse and make
15 sure it was approved by them.
16 Q. For a verifier to have in his or her
17 hand a script that says, "Hi. I'm so-and-so with
18 Great Lakes Verification," how would that person
19 have such a script in hand?
20 A. My guess is that it would come from
21 Elizabeth or somebody in division four or

Page 153

1 division five.

2 Q. Right. But from what you just
3 described, perhaps I'm inferring something that I
4 shouldn't. But did the text of the script come
5 from you?

6 A. No. The text of the script would come
7 from the billing clearinghouse. And I would just
8 alter it to try to put it in -- you know, our
9 company's name and that kind of thing. They
10 would send me a list of requirements. I would
11 change it to match up something that we get
12 approved by Kurtis or Keanan and submit it back
13 to them. And then they would approve it. So if
14 somebody else gave a script to the verifications
15 company, it was off-line. It should not have
16 come from anyone but myself or Kurtis just
17 because we had the legitimate scripts. As I said
18 before, the sales managers would change the
19 script on occasion. And there's a chance that
20 the sales manager changed the verification script
21 and gave it to them.

Page 154

1 Q. Did you ever find out how it came to
2 be that the verifications people were saying that
3 they were from Great Lakes when, in fact, that
4 was not so?

5 A. And I didn't look into it that hard, I
6 just changed it. It wasn't something that -- I
7 really didn't have a lot of investigation time.

8 Q. So basically in terms of this April 29
9 memo, for lack of a better word, you were
10 informed of a problem and then you took care of
11 it?

12 A. Yes.

13 Q. But in terms of whether or not you
14 were supposed to know beforehand that the
15 verifications people were stating that they were
16 from Great Lakes, am I to understand from your
17 testimony that that was really the responsibility
18 of somebody else?

19 A. That would have been the
20 responsibility of Elizabeth because she was the
21 liaison with the verifications company.

Page 155

1 Q. And as far as Great Lakes, actually
2 appearing as the name of the verifications
3 company, am I to also understand from your
4 testimony that that's something you didn't tell
5 the verifications people to use?

6 A. That's correct. I would not have had
7 any direct contact with the verifications
8 company. I would always contact them through
9 the -- occasionally, I would go in if something
10 needed to be done if I was the senior person in
11 the building. I don't remember what have you,
12 but it just didn't fall under my part of the
13 company.

14 Q. So there really wouldn't have been any
15 way for you to know unless you had been told that
16 Great Lakes was the name being used?

17 A. I probably would have heard it on a
18 verification tape at some point. That's how I
19 would have found out. There was nobody who would
20 come and tell me. I just wasn't -- I didn't have
21 that much interaction, not at this point.

Page 156

1 Before, when I was in charge of HR and I was
2 putting people in there, then possibly. But by
3 the time I was just in charge of corporate
4 affairs, I was very much isolated into just doing
5 a specific type of work.

6 Q. But the point in time when you were
7 vice-president of administration, conceivably you
8 would have been informed or made aware of that
9 Great Lakes was the name being used?

10 A. I would have found out sooner.

11 Q. You would have found out sooner?

12 A. Yes. They wouldn't necessarily have
13 consulted me on it. That's something that would
14 have been done by Elizabeth just because she was
15 senior to that area in the company. And she
16 would not necessarily have come to me to get a
17 different script or something of that nature.

18 Q. The sentence above the "Thank you"
19 where it says "CSW Kurt for the sales script
20 modification," what does that mean?

21 A. CSW stands for completed staff work.

Page 157

1 And that is the document that we would use to
2 request anything. Whether it was a day off,
3 money, a script. So what I would do is basically
4 write out what I wanted as a script, write to
5 Kurtis, "This is the script I would like the
6 sales floor to use. Please approve it." He
7 would take a look at it. If he liked it, he
8 would approve it. If not, he would red-pen it.
9 And I would change it until he was done
10 red-penning it. And it got approved.

11 Q. This is also dated April 29, 2002.
12 It's Bate Stamp 01147. If you can just look at
13 this.

14 (Witness Reviewing Document.)

15 Q. Who is the division one manager?

16 A. Kelly Adwell.

17 Q. Was this a document that you've seen
18 before today?

19 A. No.

20 Q. Where it says, "Kelly, please route me
21 copies of your week-ending statistics each week,"

Page 158

1 do you know what that's about?
2 A. Yes. We did a sheet of statistics
3 every week. You did a daily and you would put
4 the totals on a weekly total. And for Kelly in
5 division one, it would have been something like
6 "Number of people interviewed. Number of people
7 hired. Number of people started." And that was
8 given to Kurtis.

9 At this time, they probably were not
10 having executive council meetings. It's the kind
11 of document that would have went to the entire
12 executive council. But if they weren't having
13 the meetings, it would just have gone to Kurtis
14 or Kurtis and Keanan.

15 Referring to VPA, he's talking about
16 me. When I held that position, I would give the
17 stats to him and Kurt. When I left the position,
18 Kurtis took it over. And my guess is, Kurtis
19 would look at the stats, he wouldn't distribute
20 to anybody. So he's asking Kelly to give them to
21 him also.

Page 159

1 Q. "He," meaning Keanan?

2 A. Correct.

3 Q. Is asking Kelly to give him statistics
4 each week?

5 A. Yes.

6 Q. The next document I'm going to show
7 you is Bate Stamp 08413. And it bears a date of
8 3 May, 2001. First off, who is Andrea Salinas?

9 A. She was a representative of USBI, like
10 our customer rep for them. She would handle
11 basically anything we needed from USBI as our
12 clearinghouse. We would go through her.

13 Q. And the e-mail appears to be directed
14 to yourself, to Kurtis and to Keanan. Am I
15 reading that correctly?

16 A. Yes. That looks right.

17 Q. What is it that Andrea is trying to
18 tell the three of you?

19 A. Basically that we're getting too many
20 complaints.

21 Q. And according to this e-mail, it

Page 160

1 suggests that there are too many slamming
2 complaints?

3 A. Yes. Every complaint was labeled as a
4 slamming complaint typically. But what that
5 means is, as defined by USBI, if a customer calls
6 in and says, "I got slammed by so-and-so," they
7 immediately them a refund. They don't ask us for
8 a script or verification tape. They don't need
9 any documentation. If the customer makes a
10 complaint, they issue a refund period. They bill
11 us back. So it's not -- this is not a slamming
12 complaint as somebody has looked through a
13 verification tape and determined that it's a
14 slamming complaint. This is -- what you're
15 looking at are customer complaints, would be more
16 accurate.

17 Q. And with respect to the first sentence
18 where it talks about faxing to your attention
19 U.S. Bell's monthly customer service summary
20 report for April, that's a report that was
21 generated by USBI?

Page 161

1 A. Yes. I don't recall the report
2 specifically. I think we received that report
3 once or twice. I think that's something and
4 Elizabeth and Shalanda had the ability to go in
5 and look at, but I really didn't. I was just
6 Andrea's main connection because I did all my
7 scripts and stuff through her. So whenever she
8 would send something to the company, she would
9 typically send it to me because I was the
10 easiest. And usually, I was the quickest to
11 react to something.

12 Q. But in terms of this monthly report,
13 am I to understand that this monthly report
14 ordinarily went to somebody else?

15 A. I would guess Elizabeth.

16 Q. You would guess?

17 A. Yes. I think that I received it
18 twice. It typically must have gone to Elizabeth
19 or Shalanda because they were really the customer
20 service contacts. And they would refund a
21 customer service issue. We had an agreement with

Page 162

1 USBI where they would perform our customer
2 service duties for us.

3 But it was very expensive to have them
4 do so because not only do they quickly issue
5 refunds, but they charge you every time they take
6 a phone call. Then they charge you more if they
7 actually speak to the person. And then they
8 charge you more depending of what type of
9 complaint it was. So we were working hard on
10 getting that customer service in-house. And
11 that's why we got -- for a period, they generated
12 more customer service information for us because
13 they were trying hard to keep it in their house
14 because they were making a lot of money on hit.
15 So we -- there was a two or three-month period
16 where we got a lot of information about customer
17 service.

18 Q. From USBI?

19 A. Yes. Because we had gone out and
20 basically solicited. We said, "Hey, we want to
21 bring this customer service back in. We think

Page 163

1 things are going pretty good." And then they
2 said, "Well, we don't think things are going so
3 good, here's the information." So we had a lot
4 of information for a couple of months. But we
5 did end up getting customer service back
6 in-house.

7 Q. At what time did that take place?

8 A. For some reason May sticks in my head.
9 I'm not positive, but I believe it was May of
10 that year.

11 Q. Because this memo is dated May 3,
12 perhaps that would help you fix it in time.

13 A. For some reason, I just had May in my
14 head. But it was sometime before I left that we
15 had customer service back in-house.

16 Q. There's a recommendation that someone
17 should be pulling rejects, customer service and
18 adjustment reports weekly to cancel the accounts.
19 What's that all about?

20 A. That's something that would have been
21 done by Shalanda or Elizabeth. I don't know what

Page 164

1 that is. I would assume that when we had a
2 customer call and complain, we had to do
3 something at our end to cancel them out of the
4 computer system so they didn't get billed again.
5 That's an assumption about what that is.

6 Q. Do you know whether or not that
7 recommendation was followed through?

8 A. I don't.

9 Q. Do you recall responding to this
10 e-mail because the last sentence here says, "Who
11 is reviewing and blocking these accounts, please
12 advise." Did you respond to this e-mail?

13 A. I don't remember.

14 Q. Do you know if you routed this e-mail
15 to Elizabeth?

16 A. I'm sure that I did.

17 Q. You don't remember specifically doing
18 it, but that would be the likely course of action
19 given what was involved here?

20 A. Typically what I would have done with
21 anything from USBI is give it to Elizabeth.

Page 165

1 Especially if customer service or any type of
2 provisioning or billing was involved, Elizabeth
3 really handled all that. So I would have given
4 it to her.

5 (Luncheon recess was taken 12:30 p.m.)
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Page 167

1 Q. Why is it that Kansas is getting so
2 exercised with Business Options? \$150,000 is
3 pretty stiff.

4 A. We had a stack of complaints from
5 them. But it was a sizable number. I don't
6 exactly -- Kurtis was handling it. I don't
7 remember exactly why they were so upset. We did
8 have a number of slamming complaints there.

9 Q. Did anyone from Business Options
10 travel to Kansas to attend a hearing?

11 A. No. Not that I'm aware of.

12 Q. This was all done by correspondence
13 with Kansas?

14 A. Yes. They had sent me some
15 information and requested some documentation.
16 And I sent it to them. And it took about eight
17 months to hear back from them. And when we heard
18 back, it was a letter asking for a large fine. I
19 forwarded that to Kurtis and he told me, "I'll
20 take care of it from here. I'll kind of keep you
21 up to date." And this was his way of keeping me

Page 166

1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 EXAMINATION (cont'd.)

3 BY MR. SHOOK:

4 Q. The next document I want to show you
5 has a Bate Stamp Number of 00913. The document
6 bears the date of June 10, 2002. Have you seen
7 this document before?

8 A. Yes.

9 Q. There's some handwriting on this, can
10 you tell me whose handwriting it is?

11 A. It's Kurtis' handwriting. This is my
12 handwriting here (indicating).

13 Q. In the upper left-hand corner?

14 A. Yes. Where it says, "Looks good."

15 Kurtis wrote the letter and gave it to me to take
16 a look at it. And I gave it back to him. It's
17 concerning a fine that the State of Kansas was
18 assessing against Business Options, I believe in
19 the amount of \$150,000. And Kurtis spoke to the
20 representative there. And basically sent that
21 letter to try to have the fine reduced.

Page 168

1 up to date. "Do you think this letter is okay?"
2 He told me what he was going to do in advance,
3 that he was going to try to get the fine reduced.
4 And he said, "We'll send this to them and see
5 what their response is."

6 Q. Not the first paragraph, but the
7 second paragraph, specifically focussing on the
8 second sentence, which starts with, "With our
9 stated intention, I found it very complex." And
10 then he goes on from there. What is it that he
11 found so complex?

12 A. I think that the issue in the state
13 was that you had to have in your -- either your
14 sales or verification script, very specifically
15 that you were switching all the services. So
16 instead of saying you're a long distance, you had
17 to be much more specific based on their statutes.
18 And I think what Kurtis is saying is, he finds it
19 difficult to find a way to explain that to a
20 customer without the customer being very
21 confused.

Page 169

1 Q. So this was supposed to be a
2 justification as to why that information didn't
3 appear in the script?
4 A. Correct.
5 Q. Do you know what happened with respect
6 to Kansas following this draft letter dated June
7 10, 2002?
8 A. I believe Kurtis told me that they
9 turned down that request to make it a \$10,000
10 fine. I don't know what happened after that.
11 Q. The next document I want to show you
12 has Bate Stamp Numbers 0969 -- 00969, 00970 and
13 00971.
14 A. Sales pitch.
15 Q. So there's a memo to Kurt from
16 yourself?
17 A. Uh-huh.
18 Q. And you're attaching sales scripts
19 that could be used?
20 A. Yes. It's a potential sales script.
21 And I believe the reason that that one is

Page 170

1 separated out is because we -- we had multiple
2 packages. I think the standard script -- does
3 that say "standard" on it?
4 Q. "Residential sales pitch, standard
5 plan, no fee."
6 A. I believe that that one was
7 differentiated from the others because we were
8 not going to charge a monthly service fee,
9 something of that nature. So that's why he has
10 that script separate from the other scripts that
11 he would have received. What we would do is, get
12 something approved and then change the fees in
13 it. Reduce them, take them out. Add to them and
14 them and then resubmit. Basically, we would
15 submit the same script over and over, just with
16 different fees, different names of programs, what
17 have you.
18 Q. So this sales script that bears a date
19 of June 17, 2002. And it goes for two pages,
20 00970 and 00971. This was something that you had
21 drafted?

Page 171

1 A. Yes.
2 Q. Do you know what, if anything,
3 happened with respect to the draft that you gave
4 to Kurtis?
5 A. Is it titled as U.S. Bell or Buzz
6 Telecom?
7 Q. It's entitled Buzz Telecom.
8 A. That was a potential script. They
9 were not using Buzz Telecom scripts, I don't
10 believe, when I left. So as far as I know, he
11 had that in his hands to approve or not approve.
12 Q. I notice that in the script itself,
13 there is a reference to state-to-state service.
14 And there's also a reference to in-state and
15 local long distance. Is that something new that
16 appears in the sales script or is that something
17 that had been done previously?
18 A. That had been in the script not for
19 very long before that date. And the reason is
20 because we were getting a lot of local toll
21 issues.

Page 172

1 Q. What does that mean?
2 A. Local toll is -- say you're calling
3 within your county, but it's a toll call. And
4 Ameritech charges that. And we also had a
5 program where we would charge it. And when we
6 signed anyone up for our service, we took every
7 service that we could provision. So the Lex
8 (phonetic) were calling saying, "You can't take
9 their local toll service unless you separately
10 provision it." So we were adding it to the
11 script to be very specific about it.
12 Q. When did you have this information
13 first come to your attention that the Lex were
14 saying that something you had been doing you
15 couldn't do?
16 A. I don't recall. Maybe a year ago.
17 Sometime early in 2002, I believe. I'm not
18 positive.
19 Q. I was hoping that perhaps the date of
20 the sales pitch that's noted here, June 17. And
21 the inclusion of it with in-state information

Page 173

1 might help you fix that in time.

2 A. I can't. Because more than likely,
3 there was a Business Options' sales pitch that
4 has the same thing on it that was written
5 previously. I don't recall I wrote any scripts.

6 Q. The next document I want to show you
7 is 00972 entitled "Welcome letter."

8 A. This was to be the verbiage that we
9 would include on a post card when we sign someone
10 up on the service just to inform them that their
11 service had been switched.

12 Q. Do you know whether, in fact, this was
13 done?

14 A. No.

15 Q. Whose responsibility would it have
16 been to actually send out the post card with this
17 information on it?

18 A. It would have been Shalanda Robinson
19 in division four as a fulfillment of somebody's
20 order.

21 Q. The next document I want to show you

Page 174

1 bears a date of June -- 6-19-02. It's Bate Stamp
2 00907. Do you recognize that document?

3 A. Yes. That's my confirmation that
4 we've got a contract signed with Global Crossing.

5 Q. So that goes back to something that we
6 talked about earlier today?

7 A. Correct. And that was the other
8 carrier.

9 Q. That was the other carrier in addition
10 to Quest at this point in time?

11 A. Yes.

12 Q. Global Crossing, so far as you know,
13 references Buzz Telecom as the other party?

14 A. I believe so.

15 Q. The next document I want to show you
16 is 00908. Can you tell me what this document is
17 about?

18 A. Confirmation that I had registered
19 with the FCC and obtained that number.

20 Q. What was the purpose of registering
21 with the FCC?

Page 175

1 A. It was just a part of getting the
2 company, all of the legal parameters in to the
3 company.

4 Q. Seeing that -- and this is for Buzz
5 Telecom, correct?

6 A. Uh-huh.

7 Q. Was there any particular reason why no
8 such registration had been made with respect to
9 U.S. Bell?

10 A. Probably we discontinued the procedure
11 for U.S. Bell.

12 Q. Is there any particular why there was
13 no registration with respect to Business Options?

14 A. I didn't register Business Options for
15 anything, so I wouldn't know. Is the FRN number,
16 is that the number you obtain when you apply to
17 do the 499-A or is this just a registration
18 number?

19 Q. This is just a registration. There's
20 a different number that you get for that.

21 A. I think that I did register Business

Page 176

1 Options with the FCC at some time, but I don't
2 remember when I did it. I may have done it when
3 I did Buzz because I wasn't familiar with that
4 number.

5 Q. The FRN number?

6 A. Correct. I think somebody actually
7 asked us for it when I was completing a contract
8 or filling something out. And that's why I went
9 in and did it. I didn't know you needed to do it
10 before that time.

11 Q. The next document is dated June 21.

12 It's Bate Stamp 00982 and it carries over to
13 00983. There are two aspects to the document.
14 The first aspect is the typewritten aspect. What
15 is that all about?

16 A. This is basically a report where the
17 author is saying that I should have written a
18 report so that somebody investigated what had
19 happened.

20 Q. And who is the somebody who is
21 claiming you should have written the report?

Page 177

Page 179

1 A. Based on the way it's written, I would
2 say Gene Chill.

3 Q. Was the director of I&R at this point?

4 A. I think so. What happened is, someone
5 probably asked me to take the call, this woman
6 was complaining. And I took a look to see if I
7 could find out who the rep was who had contacted
8 her so we could discipline that rep. Where it
9 went from there, I don't know. The definition of
10 how and why a report is written is subjective, in
11 my opinion. And I just didn't feel that it was
12 necessary to write a report until I had all the
13 facts on the issue.

14 Q. In terms of the response, it appears
15 in the handwriting following the typing, is that
16 the handwriting from you?

17 A. Yes.

18 Q. So you are responding to the matters
19 raised in the typewritten portion?

20 A. Yes.

21 Q. Your response is basically saying

1 Q. Any particular reason why?

2 A. I just felt like he was hired to do a
3 job he couldn't do. And he walked around and
4 told everyone that he had a position instead of
5 performing the duties thereof. The staff that he
6 took over was my staff. He treated them all very
7 poorly. I just didn't care for him very much.

8 Q. In terms of concluding or finding that
9 he treated your staff poorly, how did that
10 opinion come to be formed?

11 A. Well, he started everyday telling them
12 that he was the vice-president and could do
13 whatever he wanted. And he just treated them
14 badly. He was constantly yelling at them. He
15 had to have a meeting twice a day. He just
16 treated his staff miserably. And I didn't have
17 any appreciation for that, so I didn't care for
18 him. He had personal issues with me because I
19 held the job before he had it. And he -- a lot
20 of interaction between us, he would tell me one
21 thing and then say something else behind my back

Page 178

Page 180

1 what?

2 A. It's basically saying that I didn't
3 think a report needed to be written until I knew
4 what was going on.

5 Q. Do you know what happened as a result
6 of this back and forth between you and Mr. Chill?

7 A. I turned it over to Mr. Chill because
8 he put a lot of attention on it, so I thought he
9 would take care of it.

10 Q. In terms of the matter that he was
11 complaining about?

12 A. Yes. I just gave it to him. And I
13 don't remember what happened with the woman. I
14 think that we eventually identified the person
15 who had made the calls and dismissed her.

16 Q. This is a digression of sorts, but
17 what kind of relationship did you have with Mr.
18 Chill?

19 A. We really didn't have one. He came in
20 a few months before I left and I didn't care for
21 him very much.

1 and to my friends and they would tell me. So it
2 was just a personal, just a childish
3 back-and-forth thing. But I just didn't care for
4 him.

5 Q. Did he have any direct authority over
6 you?

7 A. No.

8 Q. You were basically equivalent on the
9 corporate scheme of things?

10 A. I really just worked for Kurtis
11 directly once I was corporate affairs. And he
12 just didn't have any jurisdiction anywhere. We
13 would have been equivalent, I guess,
14 authority-wise. But I was kind of off on my own
15 by this time. So nobody really had any
16 interaction with me except for Kurtis and Keanan.

17 Q. In terms of the executive council
18 meetings, did there come a time when you stopped
19 participating in those because of your change in
20 status?

21 A. Yes. We hadn't had them for some

Page 181

1 time. Before my change in status, I don't think
2 we had had them for four or five months. But I
3 never attended another one after those.

4 Q. After you were no longer the
5 vice-president of administration, you stopped
6 attending executive council meetings?

7 A. Correct.

8 Q. And that would be because the head of
9 corporate affairs was simply not a part of the
10 executive council?

11 A. That position didn't exist before I
12 took it. And I wasn't invited. If you're not
13 invited, you don't go.

14 Q. You didn't insist on going?

15 A. No. They weren't that fun.

16 Q. The next document I want to show you
17 bears Bate Stamp Numbers 01021. It's dated June
18 23, 2002. This was a situation where we had
19 purchased a small long distance company in
20 Chicagoland that was a prepaid company that dealt
21 mostly with Latin customers. And George Vasquez

Page 182

1 had been placed as the president or CEO of that
2 company. He was running it. And they had asked
3 me to make up a contract between the two
4 companies, basically differentiating us and
5 paying for services back and forth.

6 Which two companies are we talking
7 about at this point?

8 A. Phonoteindas (phonetic) or whatever it
9 is.

10 Q. The Spanish --

11 A. Yes. And U.S. Bell. The request for
12 what was to be on the contract changed
13 constantly. Services that were going to be
14 solicited changed constantly. I probably created
15 five documents. None of them worked out. By
16 this time, I actually had a contract in George's
17 hands. It took him a couple months to sign it
18 and get it back to me.

19 Q. Was George located in the same office
20 or general area as you or was he physically
21 someplace else?

Page 183

1 A. Physically in Chicago on 26th Street.

2 Q. Okay.

3 A. So we didn't see each other very much.

4 I actually went up to get the contract signed on
5 one occasion. He had been called out of the
6 office. It was just a semantic thing where he
7 missed me, I missed him. And there was
8 disagreement in general on what fees were going
9 to be paid for what services between George and
10 Kurtis that had not been sorted out. I was kind
11 of in the middle of it. But they did eventually
12 get a contract signed. Which I don't think they
13 followed, but they did get it signed.

14 Q. What is Keanan's concern here then?

15 A. I think Keanan's concern is that the
16 companies are differentiated. That we know that
17 U.S. Bell or whatever other number of companies
18 is not the Spanish company. Just in case, let's
19 say, the Spanish had some kind of financial fall
20 back or whatever, you didn't want it to fall over
21 onto the other companies.

Page 184

1 Q. Am I to understand, from the way this
2 report is written, that Keanan had a problem with
3 the absence of a contract at this point in time?

4 A. He's saying that we should have had
5 the contract completed by now.

6 Q. In a sense, he's blaming both of you?

7 A. Yes. I think that he and I had
8 discussed it and I told him that I had gotten a
9 contract to George. George hadn't returned it to
10 me. And he said, "Well, it's your responsibility
11 to get it back." So he wrote us both up.

12 Q. Did you have any -- was there any
13 subsequent discussion between yourself and Keanan
14 about this report?

15 A. No. I think I just -- I said, "I'll
16 try to get it from George." But George was
17 running his own company, he was very busy. And I
18 really did not have any -- you know, I couldn't
19 call George and say, "Get your butt in here today
20 or else." I didn't have the authority to do so.
21 Keanan did, but he wouldn't make the call. So I

Page 185

1 told him "I'll do what I can, but I'm not going
2 to get in the car and chase the guy around." He
3 knows he has the agreement and he's got to bring
4 it in. And eventually, he did.

5 Q. From what you just said and some other
6 things that I've heard, it strikes me that there
7 is a certain amount of passive-aggressive
8 behavior going on here in terms of the
9 interaction between yourself and Keanan.

10 A. I'm not a psychiatrist.

11 Q. Okay. Maybe I could find another way
12 of putting that. You seem to be telling me that
13 there were times when Keanan knew certain things.
14 For example, just that there was no contract yet
15 between U.S. Bell/Buzz, whatever it's supposed to
16 be, and this Phonotindas (phonetic). And that
17 rather than taking some action himself, he would
18 expect other people to act.

19 A. I think the proper description would
20 be that he changed his mind a lot. And one day
21 he would be working on something. And the next

Page 186

1 day, he would want someone else to do so. So I
2 was usually the person who was held accountable
3 for doing so because he knew that at some point,
4 I would get it done. So it was -- our
5 relationship was different the last six months or
6 so that I was with the company. You'll probably
7 find in there, if I have notes from Keanan, one
8 day where I have 15 notes.

9 Q. "Notes," meaning what?

10 A. Just messages like this or "Hey Bill,
11 can you get this done, can you get that done."
12 He would have has concentration on something else
13 for long periods of time. And then he would come
14 in and have a whole day where he concentrated on
15 me. And I would get hammered on that day. So
16 this was a -- just in the two months before this
17 was written, he and I had a discussion. And he
18 said, "Write the contract. I'll drive it up
19 there to George because I go to Chicago a couple
20 times a week. And I'll get him to sign it." And
21 two months later, he's writing me up for not

Page 187

1 having contract signed. So I had to adjust to,
2 you know, whatever was going on.

3 Q. To your knowledge, could Keanan have
4 ordered George to sign it?

5 A. Absolutely.

6 Q. Could Kurtis have ordered George to
7 sign it?

8 A. Yes.

9 Q. You couldn't?

10 A. I didn't have the authority to do so.

11 Q. You were essentially George's equal?

12 A. I would say so. We didn't work for
13 the same company. I did not have any authority
14 over him. I guess we would be equals, but we
15 just didn't work for the same company. And
16 Kurtis and Keanan really were the guys who had
17 the authority.

18 Q. The next document I want to show you
19 is a -- it's Bate Stamp 01031.

20 A. It's an allocation.

21 Q. Is the information on it accurate so

Page 188

1 far as you know?

2 A. Yes. And it basically was a guide for
3 us to know that we needed people hired for these
4 positions. And, you know, figure out what the
5 qualifications are. Based on what our income was
6 coming in, sometimes we would have one position
7 filled and not another. And these positions that
8 have HFA, that stands for help from above,
9 meaning, the boss of that position is doing the
10 job. So we want to have it filled.

11 Q. That's was HFA is?

12 A. Yes. The other ones where it asks for
13 40 long distance sales reps, ISR is inside sales
14 representative. They are just looking for us and
15 for personnel to get -- "This is how many
16 positions I want filled. Get bodies in there."
17 And it also defined for them clearly what George
18 was doing at the time. We had people in the
19 building interacting with Kurtis and Keanan, but
20 not necessarily the rest of the staff. So we
21 wouldn't know what their exact title was. This

Page 189

1 clearly defined it for everybody.

2 Q. And so because this concerns December,
3 2001 and the first quarter of 2002, that's why
4 you're still listed there as VPA?

5 A. Correct.

6 Q. And in terms of George Vasquez, it
7 appears that he's director of R & D?

8 A. Research and development. We had that
9 position -- the fourth quarter of December, 2001
10 is when we purchased Phonoteindas, ATS Services
11 was another name for the company. And I believe
12 we did it October or November of that year. And
13 shortly after this, I'm guessing the first
14 quarter of the next year, Kurtis actually put
15 George in charge of that company.

16 George is a Spanish-speaking person
17 who had been a manager with us for a long time.
18 I think he felt like he could go up and interact
19 with the customer. George had a lot of
20 experience in provisioning and getting customers
21 on-line. And we had some problems with that,

Page 190

1 that needed to be handled from their office in
2 Chicago. So George was a good candidate to go up
3 there and run it.

4 Q. The document I want to show you next
5 is Bate Stamp 00711. The date is 6-26-02.

6 A. This was when I discovered the tax
7 that needed to be filled out and sent a note to
8 Kurtis to inform him.

9 Q. By "the tax," you're referring to the
10 Federal Universal Service?

11 A. Correct.

12 Q. How is it that you came to find that
13 out?

14 A. The form -- Global requested the form.
15 So I went on the FCC website and found the form,
16 found the tax. And then derived that we had not
17 been paying it.

18 Q. And so you informed Kurtis and Keanan?

19 A. Yes.

20 Q. What was the reaction?

21 A. Not very positive. We sat down after

Page 191

1 Kurtis -- I think Kurtis was on vacation when I
2 actually gave them the note. And when he got
3 back, we sat down. He asked me if I was sure
4 that this was something that we should be doing.
5 I said I was pretty sure, but we could probably
6 contact somebody who is in the industry who is
7 either an attorney or an accountant and they
8 could give us more information. And then we
9 would need to register for it and start to pay
10 it. He said, "What we'll do is, next quarter,
11 we'll budget for it. We'll contact the FCC and
12 try to work out some kind of payment plan to pay
13 it back."

14 Q. Do you know whether or not that
15 happened?

16 A. No.

17 Q. In terms of the note that appears on
18 the bottom here, who is that directed to and who
19 is it done by?

20 A. Written to Gene Chill from Kurtis.

21 Q. The little notation at the start is a

Page 192

1 G?

2 A. G. It would have been sent to Gene
3 because he was director of I&R. He would have
4 investigated why we didn't know this tax was due.

5 Q. In terms of the -- so cc to division
6 I&R, that means that this document is supposed to
7 go to Mr. Chill as well?

8 A. What he's trying to do is, basically,
9 without going and writing a report on his own,
10 he's dispatching it to Gene to tell him to find
11 out why this is happening.

12 Q. Did you have any conversations with
13 Gene afterwards on this topic?

14 A. Yes. He came in and asked. And I
15 told him that I didn't know about the tax when we
16 initially got set up. I don't know if the tax
17 existed or if we just weren't set up for it.
18 This was the first that I've ever heard of it.

19 Q. In terms of whether there was
20 knowledge about the tax existing, we've seen
21 telephone bills from the company to customers as

Page 193

Page 195

1 early as April of 2002. So several months before
2 this where there is included on the bill a USF
3 charge of \$3.75. Were you aware that such a
4 charge had been proposed?

5 A. Yes.

6 Q. And can you tell me how that charge
7 came to appear on bills sent to Business Options'
8 customers?

9 A. How it came to be -- I know that it
10 was -- the amount was -- I don't know how the
11 amount was derived, but I know that we billed it
12 because it was something that was mandated that
13 we bill them. And we were paying the USF fee to
14 all the states, for the states that asked for it.
15 And my understanding was that eventually we would
16 be filling out reports for every state and
17 sending it in. And some states were just behind
18 on the process.

19 Q. Do you have any knowledge as to how
20 the amount of \$3.75 came to be derived?

21 A. I know we had discussions about that.

Page 194

1 I think that it had to do with -- something about
2 it was the maximum allowable amount or something
3 like that. But we had several discussions.
4 There was another fee, a PIXI (phonetic) fee
5 previously and that fee was no longer allowed.
6 So we took what we were charging for the USF and
7 the PIXI and put it together. And we billed it
8 to our billing clearinghouse. And they gave us
9 approval to bill it. So it was some kind of
10 formula like that.

11 Q. Do you know how the money was
12 accounted for once it came into the company in
13 terms of what happened to it?

14 A. No. I don't really know how it was
15 all accounted for. All I know is that so much
16 money was made available to me so I could do the
17 USF reports and have checks sent out each month.

18 Q. So from your understanding, the basic
19 idea was that the amount being billed would be
20 sufficient to allow you to pay whatever USF fees
21 the company owed?

1 A. Correct.

2 Q. And so in terms of Federal USF, what
3 you're telling me is that you did not have
4 knowledge that such was possibly owed until June
5 of 2002?

6 A. Correct. I didn't know that there was
7 such a form or tax until I actually went on the
8 internet to look. And that's when I figured it
9 out.

10 Q. This is Bate Stamp Numbers 00716. It
11 bears a date of July 5, 2002. It appears to be
12 from Kurtis.

13 A. Uh-huh.

14 Q. And it is directed to ethics.

15 A. Uh-huh.

16 Q. And what is that?

17 A. Ethics is a part of inspections and
18 reports.

19 Q. What is it that Kurtis is saying here?

20 A. He's saying it's my responsibility
21 that we were not paying the tax.

Page 196

1 Q. Given the date, July 5, 2002, was this
2 about the time that Kurtis actually became aware,
3 to your knowledge, that Federal USF may have been
4 due?

5 A. Yes. To my knowledge, he didn't know
6 anything about it until I sent him the previous
7 note.

8 Q. Do you know what, if anything, Kurtis
9 did as a consequence of attaining that knowledge?

10 A. No. I know that we had a couple
11 discussions about it. And what he told me was
12 that it was not budgeted to pay this quarter.
13 And what we were going to do was sit down and
14 figure out how to budget it next quarter. We
15 were going to contact our attorney and then we
16 were going to contact the FCC. We were going to
17 start paying it at that point. We were going to
18 try to work out a back-payment plan so we could
19 come up to date.

20 Q. Do you know whether or not he did
21 that?

Page 197

Page 199

1 A. I have no idea.

2 Q. Did there come a time when you
3 actually prepared a form, FCC form 499-A, with
4 respect to Buzz Telecom, U.S. Bell and/or
5 Business Options?

6 A. I'm sure that I did one for Buzz
7 Telecom. I don't know if I did one for U.S.
8 Bell/Business Options. I think that I registered
9 them all at the same time. I think I did all
10 three the same day. If I did U.S. Bell at all.

11 Q. What we're aware of is a form that was
12 dated, I believe, in early October of 2002. I
13 just don't have the form in front of me right now
14 for Buzz Telecom.

15 A. Okay. I'm about 90 percent sure that
16 I did do it for Buzz to make sure that Buzz
17 was -- its legal rudiments were in from day one.
18 If I did -- I doubt that I did -- I think I
19 registered Business Options, but I don't think I
20 filled out any forms for Business Options. Once
21 Kurtis told me we were going to get our attorney

1 A. I would guess it's July 1st through
2 September 30th of 2002, that quarter.

3 Q. Of 2002?

4 A. Yes.

5 Q. Directing your attention to the first
6 page, it's -- I'm looking at it from some
7 distance. But in terms of my memory, the form
8 itself appears to be due on April 1?

9 A. Yes.

10 Q. April 1 of 2002, which would suggest
11 that it could not possibly be for the period of
12 time that you remember. So perhaps with that in
13 front of you, it may help you remember what
14 period of time the form was supposed to cover.

15 A. Buzz Telecom wasn't incorporation
16 until early to mid 2002. And I think what I
17 wanted to do was just get an initial report in so
18 it was on the record. So then we could start
19 doing the annual reporting. There was some kind
20 of quarterly reporting due. And I don't remember
21 the details of it, but I wanted to make sure I

Page 198

Page 200

1 involved, I thought I'd leave it to a
2 professional who could probably do it better than
3 I could. There were -- Buzz Telecom were zero
4 numbers and Business Options would have been big
5 numbers comparatively.

6 Q. Counsel for Buzz, Business Options and
7 Avatar and everybody else under the sun has
8 kindly given us to look at what appears to be a
9 form 499-A, FCC form 499-A, for Buzz Telecom.

10 A. That's my handwriting.

11 Q. To your understanding, what period of
12 time is meant to be covered by this report that
13 when you get to the end, I believe it will
14 reflect a signature and a date.

15 A. Uh-huh.

16 Q. And that signature is yours?

17 A. My signature. And the date is October
18 23rd, 2002.

19 Q. What is the period of time, to your
20 understanding, that is meant to be covered by
21 this report?

1 got a report in and on file as soon as I could
2 because I was leaving. I left the company a week
3 after this. And I wanted to make sure that there
4 was something in because I told Kurtis that I
5 would get the legal rudiments for Buzz Telecom
6 on-line. So I wanted to make sure I got that.
7 My understanding is that it was reported
8 quarterly. I may have misunderstood it when I
9 read through the information.

10 MR. HAWA: Can I ask a question so we
11 can shed some light on this?

12 MR. SHOOK: Sure.

13 MR. HAWA: Are you familiar with a
14 form 499-Q?

15 THE WITNESS: That's the quarterly
16 report.

17 MR. HAWA: 499-A, the annual report,
18 is due April 1st. And 499-Q is due quarterly.

19 THE WITNESS: It may have been just my
20 misunderstanding. Or I just did this -- I don't
21 know. But I had the understanding that it had to